

Appl. No. 10/680,742
Amdt. dated June 2, 2006
Reply to Office action of April 5, 2006

REMARKS

Rejection of the claims under 35 USC 112:

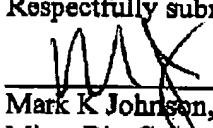
Claims 1-2 and 4-14 have been rejected under §112, first paragraph, as failing to comply with the enablement requirement. The Action states on page 3 that Applicants' arguments in their first Amendment are not persuasive because the claimed process encompasses gene therapy. The Action further states, "Though the claimed process may envision other uses, gene therapy is one of these, and thus is not fully enabled as discussed previously."

Applicants provided citations in their Specification for many of the possible uses, other than therapy, for their claimed invention in their previous response. However, the Action insists that besides the numerous uses cited in the Specification, the claimed process can be used in gene therapy and, therefore, the invention is not enabled.

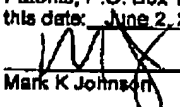
Applicants remind the Examiner that if any use is enabled when multiple uses are disclosed, the application is enabling for the claimed invention. This rule is well established in the law. Since Applicants have enabled many of the uses cited in their previous Amendment and Response, the invention is, by rule, enabled.

Applicants request that the Examiner reconsider the §112 rejection.

Respectfully submitted,


Mark K Johnson, Reg. No. 35,909
Mirus Bio Corporation
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: June 2, 2006


Mark K Johnson

BEST AVAILABLE COPY

BEST AVAILABLE COPY